

ENTERED

February 01, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

DOUGLAS RAY RICHARDS,

Plaintiff,

VS.

STEVEN AMBRIZ, *et al*,

Defendants.

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CIVIL NO. 2:16-CV-221

ORDER

The Court has before it the October 31, 2016, Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred (Dkt. No. 16), recommending that the Court dismiss certain claims as barred by the Eleventh Amendment and retain others; Defendants’ Motion to Dismiss (Dkt. No. 36); and the Magistrate Judge’s September 7, 2017, M&R recommending that the Court deny the motion (Dkt. No. 37). The deadlines to file objections to the M&Rs have passed, and no objections have been filed. *See* 28 U.S.C. § 636(b)(1) (setting a 14-day deadline to file objections); *see also* M&Rs, Dkt. No. 16 at 9 and Dkt. No. 37 at 8 (advising parties of the 14-day deadline).

In their motion to dismiss, Defendants argue that Plaintiff’s claims are time-barred by the applicable statute of limitations. Dkt. No. 36. The Magistrate Judge recommends that the Court deny the motion to dismiss because the statute of limitations was tolled while Plaintiff exhausted his administrative remedies. Dkt. No. 37 at 5-6.

After independently reviewing the record and considering the applicable law, this Court:

- **ADOPTS** the Magistrate Judge’s October 31, 2016, M&R (Dkt. No. 16) and **DISMISSES WITH PREJUDICE** Plaintiff’s claims against Defendants in their official capacities for money damages as barred by the Eleventh Amendment; and

- **ADOPTS** the Magistrate Judge's September 7, 2017, M&R (Dkt. No. 37) and **DENIES** Defendant's Motion to Dismiss (Dkt. No. 36).

SIGNED this 1st day of February, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle
Senior United States District Judge